

Remarks

The Examiner has rejected claims 1-14 of the application as being anticipated by Albal, U.S. Patent No. 5,826,034. Applicant respectfully traverses the rejection.

With respect to independent claims 1 and 10, the Examiner asserts that Albal discloses a method in which data identifying the address of the intended recipient along with message tracking data is inserted into a data transmission, transmitting the data transmission from the sender to an intermediate point of presence facility, and retransmitting the data comprising the image portion by the point of presence facility to the identified address of the recipient.

Albal's address data is provided on a "payload entry 102", which is received by an output manager of a "payload delivery system" which operates on the workstation of the sender (see col. 9, lines 32-36). Thus, the output manager is located at the sender. The output manager is separate from the carrier's point of presence (POP), and Albal is silent regarding transmission of the delivery data identifying the address of the intended recipient and message tracking data to the point of presence facility. In the present invention claims 1 and 10 recite that the data transmission which is provided to the POP includes the data identifying the address and message tracking data. Albal discloses no more than that such data is received by the local output manager. While the (local) output manager undoubtedly utilizes the information for transmission purposes, Albal provides no teaching that the inserted data becomes part of the data transmission which is forwarded to the intermediate point of presence facility.

Albal does not anticipate claims 1 and 10. Thus, it also does not anticipate any of the other claims, as they are all dependent on either claim 1, or 10.

Further, with respect to claim 3, Albal discloses that message tracking data may be processed by the output manager. Once again, the output manager is not part of the point of presence apparatus, but operates separately therefrom. Albal discloses no message tracking processing by the point of presence facility of the carrier, while claim 3 requires processing of tracing data by the point of presence facility, not at the point of data entry. Similarly with claim 4, as Albal does not disclose that the tracking data is passed to the point of presence device, it provides no disclosure that the point of presence device strips the tracking data from the data transmission. The address and tracking data provided in Albal never reaches the point of presence device, but remains locally at the location of the sender, such as at the sender's workstation.

With respect to claims 6 and 7, Albal discloses that retransmission of the data can be in the form of an email or a fax. It does not disclose or teach, however, that the original message be converted to an email attachment. This is of great significance, for example, when the original message is of a graphical or pictorial nature, which cannot be converted to an email. Albal makes no mention whatsoever of converting it to an email **attachment**, as opposed to an email itself, and offers only the alternative of fax delivery. Indeed, of the purposes of the present invention is to allow the transmission of data which originally could be sent only by fax to be sent in an alternative manner, e.g. as an email attachment.

In view of the foregoing, it is respectfully submitted that Albal '034 does not anticipate the claims of the present invention and accordingly the rejection should be withdrawn and the present case passed to issue.

Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313 on July 14, 2006.

Carol L. Wood

